

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

BRIAN DENKER,

Case No. 15-41069 (CEC)

Debtor.
-----X

**DEBTOR'S MOTION TO CONVERT
FROM CHAPTER 11 TO CHAPTER 7**

Brian Denker, the above-captioned debtor and debtor in-possession herein (the “**Debtor**”), by and through his undersigned attorneys, submits this motion in support of an Order, pursuant to Section 1112(a) of Title 11 of the United States Code (the “**Bankruptcy Code**”) and Rule 1017 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), converting the Debtor's chapter 11 case to a chapter 7 case (“**Motion**”), and respectfully represents and alleges:

BACKGROUND

1. On March 13, 2015 (the “**Petition Date**”), the Debtor filed a voluntary Petition for relief under chapter 11 of the Bankruptcy Code and an Order for Relief was entered.
2. The Debtor is an individual who is ~~the Rabbi~~. His financial difficulties resulted from his husbands ~~charging of credit cards without his knowledge or consent~~. The Debtor is no longer in a position to file a feasible plan of reorganization.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this case and this Motion, as a core proceeding, pursuant to 28 U.S.C. § 157 and 1334. Venue of this Motion in this District is proper pursuant to 28 U.S.C. § 1408 and 1409. Consideration of this motion is a core proceeding pursuant to 28 U.S.C. § 157(b). The statutory predicates for this Motion are § 1112(a) of the Bankruptcy Code and Bankruptcy Rule 1017.

DISCUSSION

4. By way of this Motion, the Debtor respectfully seeks an Order converting his chapter 11 case to a chapter 7 case. A request for conversion of a chapter 11 case is governed by Section 1112(a) of the Bankruptcy Code, which provides, in pertinent part, that:

The debtor may convert a case under this chapter to a case under chapter 7 of this title unless—

- (1) the debtor is not a debtor in possession;
- (2) the case originally was commenced as an involuntary case under this chapter; or
- (3) the case was converted to a case under this chapter other than on the debtor's request.

11 U.S.C. § 1112(a).

5. Section 1112(a) of the Bankruptcy Code provides that a debtor in possession may convert a chapter 11 case to chapter 7 unless the case was commenced by an involuntary petition or was converted to chapter 11 upon someone else's request.

6. The Debtor respectfully submits that he is a debtor in-possession, that the case was not commenced by an involuntary petition, nor was it converted to chapter 11 upon someone else's request, and thus the Debtor has a right to convert the chapter 11 case to chapter 7.

7. The Debtor seeks conversion from chapter 11 to chapter 7 because he was unsuccessful in his attempt to generate the income necessary to fund a plan of reorganization, and such a conversion is in the best interests of the creditors and the estate.

CONCLUSION

8. Based upon the foregoing, the Debtor respectfully requests that an Order be entered, pursuant to § 1112(a) of the Bankruptcy Code, converting this chapter 11 proceeding to a chapter 7 case, and granting such other and further relief as this Court deems just and proper.

9. Because there are no novel issues of law presented by this Motion and the relevant points of authority have been set forth herein, the Debtor respectfully requests that the court waive the requirement that the Debtor file a memorandum of law in support of this Motion.

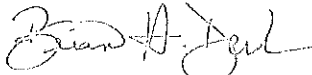
10. No prior application for the relief sought herein has been made by the Debtor in this or any other Court.

Dated: New York, New York
July 31, 2015

MORRISON TENENBAUM PLLC

By: _____
Lawrence Morrison
87 Walker Street, Floor 2
New York, NY 10013
(212) 620-0938

Attorneys for Debtor



Brian Denker Debtor

Exhibit A

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ORDER CONVERTING CASE FROM CHAPTER 11 TO CHAPTER 7

Upon the motion, dated July 31, 2015 (the “**Motion**”) of the Debtor for an order converting the above-referenced case from Chapter 11 to Chapter 7, it is hereby

ORDERED that the Motion is granted as provided herein.

ORDERED that service by United States First Class mail of a copy of this Order and the Motion upon which it is granted on (a) the United States Trustee; (b) all creditors of the Debtor; (c) all relevant taxing authorities; and (d) all creditors who have served on the Debtor and have filed with this Court a request for notice in this case.

Dated: New York, New York
August __, 2015

HONORABLE CARLA E. CRAIG
CHIEF UNITED STATES BANKRUPTCY JUDGE

EXHIBIT B

Bill Period: July 05, 2015 - August 04, 2015

Details for:

347-236-2895

VOICE | MESSAGING | ROAMING

Filter by Voice Type:

Download to Spreadsheet

Total Voice Usage Charges ~~10.00~~

Viewing 481 to 500 of 550 results.

View Additional Call Detail

Date	Time	Number	Minutes	Rate	Airtime Charge
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	3:43 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
7/31	12:00 PM	516-482-0895	1	Peak	--
8/01	12:00 PM	516-482-0895	1	Off-Peak	--
8/01	12:00 PM	516-482-0895	1	Off-Peak	--
8/01	12:00 PM	516-482-0895	1	Off-Peak	--

Bill Period: July 05, 2015 - August 04, 2015

Details for:

347-236-2895

VOICE | MESSAGING | ROAMING

Filter by Voice Type:

Download to SpreadSheet

Total Voice Usage Charges: \$0.00

Viewing 461 to 480 of 550 results.

[View Additional Call Detail](#)[illegible]

Bill Period: August 05, 2015 - September 04, 2015

Details for:

347-236-2895

VOICE | MESSAGING | ROAMING

Filter by Voice Type:

[Download to Spreadsheet](#)**Total Voice Usage Charges: \$0.00**

Viewing 301 to 320 of 503 results.

[View Additional Call Detail](#)

Date	Time	Number	Minutes	Rate	Airtime Charge
8/24	7:08 AM	[REDACTED]	9	Peak	--
8/24	7:18 AM	[REDACTED]	1	Peak	--
8/24	7:18 AM	[REDACTED]	3	Peak	--
8/24	7:24 AM	[REDACTED]	1	Peak	--
8/24	7:33 AM	[REDACTED]	9	Peak	--
8/24	7:59 AM	[REDACTED]	1	Peak	--
8/24	10:37 AM	[REDACTED]	4	Peak	--
8/24	10:40 AM	[REDACTED]	1	Peak	--
8/24	10:49 AM	516-462-0895	7	Peak	--
8/24	10:59 AM	[REDACTED]	5	Peak	--
8/24	11:25 AM	[REDACTED]	2	Peak	--
8/24	11:27 AM	[REDACTED]	2	Peak	--
8/24	11:29 AM	[REDACTED]	1	Peak	--
8/24	12:06 PM	[REDACTED]	3	Peak	--
8/24	12:21 PM	[REDACTED]	2	Peak	--
8/24	12:26 PM	[REDACTED]	1	Peak	--
8/24	12:28 PM	[REDACTED]	1	Peak	--
8/24	12:38 PM	[REDACTED]	2	Peak	--

Date	Time	Number	Minutes	Rate	Airtime Charge
8/20	2:28 PM	516-462-0895	1	Peak	--
8/20	2:28 PM	516-462-0895	1	Peak	--
8/20	2:31 PM	516-462-0895	1	Peak	--
8/20	2:32 PM	212-222-0155	1	Peak	--
8/20	3:51 PM	516-462-0895	4	Peak	--
8/20	3:51 PM	917-222-0155	1	Peak	--
8/20	4:12 PM	718-222-0158	1	Peak	--
8/20	4:12 PM	646-222-0154	1	Peak	--
8/20	5:00 PM	646-222-0159	1	Peak	--
8/20	5:00 PM	646-222-0152	1	Peak	--
8/20	5:00 PM	646-222-0158	1	Peak	--
8/20	5:00 PM	646-222-0152	1	Peak	--
8/20	5:00 PM	646-222-0158	1	Peak	--
8/20	5:00 PM	646-222-0158	1	Off-Peak	--
8/21	6:00 PM	646-222-0158	1	Peak	--
8/21	6:00 PM	646-222-0158	1	Peak	--
8/21	6:00 PM	646-222-0158	1	Peak	--
8/21	6:00 PM	646-222-0158	1	Peak	--
8/21	6:00 PM	646-222-0158	1	Peak	--